(1)

SHDKT PROCEEDINGS AND ORDERS DATE: [03/01/96]

CASE NBR: [95106710] CSH STATUS: [SCHEDULED CONFERENCE]
SHORT TITLE: [Attwood, Robert]
VERSUS [Singletary, Sec., FL DOC] DATE DOCKETED: [110995]

PAGE: [01]

	DATE	NOTE	PROCEEDINGS & ORDERS
1	Nov 3 1995	R	Petition for writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due December 9, 1995)
4	Nov 3 1995	D	Motion of petitioner for leave to proceed in forma pauperis filed.
3	Dec 28 1995		DISTRIBUTED. January 12, 1996 (Page 12)
6	Jan 16 1996		REDISTRIBUTED. January 19, 1996 (Page 13)
7	Jan 22 1996		Motion of petitioner for leave to proceed in forma pauperis DENIED. See Rule 39.3. Petitioner is allowed until February 12, 1996 within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court. Dissenting opinion by Justice Stevens. Opinion per curiam.
8	Feb 16 1996	P	Motion of petitioner for reconsideration of the order

Last page of docket

SHDKT PROCEEDINGS AND ORDERS DATE: [03/01/96]

CASE NBR: [95106710] CSH STATUS: [SCHEDULED CONFERENCE]
SHORT TITLE: [Attwood, Robert]
VERSUS [Singletary, Sec., FL DOC] DATE DOCKETED: [110995]

PAGE: [02]

	DATE	NOTE	PROCEEDINGS & ORDERS
8	Feb 16 1996	P	Motion of petitioner for reconsideration of the order denying leave to proceed in forma pauperis filed.
9	Feb 21 1996		REDISTRIBUTED. March 15, 1996 (Page 3)

1PP

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

95-6710

ORIGINAL

(2)

In Re: Robert Atwood (Your Name) Petitioner

v.

Supreme Court of Florida 2DCA; 3DCA (Respondent's Name)

4DCA; 19Circuit court; Harry Singletary et al; fl Supreme Court

See Rules 39.1 and 39.4.

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MAY 25 1995
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SUPREME COURT, U.S.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner, ..., asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis. Petitioner has previously been granted leave to so proceed in (name the courts below, if any, that have authorized pauper status in this case). Petitioner's affidavit in support of this motion is attached hereto.

/s/ (Your Name) Robert Atwood

See Rule 34.2 (signature required)

NOV3

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SUPREME COURT, U.S.

11pp

AFFIDAVIT IN SUPPORT C MOTION FOR LEAVE TO PROCE IN FORMA PAUPERIS

95-6710

I, Robert Attwood being first duly sworn, depose and say that I am the petitioner in the above-entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and that I believe I am entitled to redress.

ORIGINAL

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JUL 31 1995
OFFICE OF THE CLERK
SUPREME COURT, U.S.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of proceeding in this Court are true.

1. Are you presently employed? Yes---- No ✓---
   a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

   b. If the answer is no, state the date of your last employment and the amount of the salary or wages per month which you received. 11/90 about $1190-

3

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends or other sources?
   Yes---- No ✓---
   a. If the answer is yes, describe each source of income and state the amount received from each during the past twelve months.

3. Do you own any cash or checking or savings account? Yes ---- No ---
   a. If the answer is yes, state the total value of the items owned.
Citibank 7197897989 my exist was opened in my name with power of attorney to Laura Attwood and our balance for property, for child support I owe her ; accounts presently of Laura Attwood Held on Accounts pending garnishment by State.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes ---- No ✓----
   a. If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support and state your relationship to those persons.
Laura + Robert Attwood my ex wife and we based on me for child support

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 5/18/95 /s/ Robert Attwood

United States Supreme Court 95-6710

#

ORIGINAL

FL Supreme Court #s 86499; 86 717; 86716; 86 718; 86,608; 86 534; 86,722; 86 725; 86604; 86,396; 86 723; 86367; 86,713; 86,724; 86 721; 86 712; 86 715; 86 533; 86603; 86606; 86607; 86 720; 86605; 86 719; 86,368; 86 240; 86 535; 86 370; 86 714

4DCA #s 93 3701; 95 2284; 95 1078; 95 1922; 95 1933; 95 3408; 95 1821; 95 1959; 95 616; 95 1045; 95 683; 95 617; 95 618; 95 619; 95620; 95621; 95622; 95 623; 95 624; 95 625; 95 626; 95 627; 95 628; 95 629; 95 630; 95 681; 95 682; 95 830; 95 2552; 95 1955; 95 2448; 95 2444; 95 2447; 95 2457; 95 2459; 95 2453; 95 2443; 95 2455; 95 2450; 95 2456; 95 2451; 95 2442; 95 2449; 95 2446; 95 2445; 95 2454; 95 2140; 95 2285; 95 2144; 95 2437; 95 2541; 95 3104; 95 3407; 95 2131;

3DCA # 95 1617

2DCA #s 95 1723; 95 1770; 95 1721; 95 1715; 95 1709

Robert Attwood ✓ NOV 3

Supreme Court of Florida;
2DCA; 3DCA; 4DCA; 19 Circuit Court Martin County, FL et al.

Petition for Writ of Certiorari;

Robert Attwood 64697
InTCI
11505W Libertad Rd
Indiantown FL
34956

Question Presented for Review

Will Florida State courts be allowed to use petitioners very real poverty and be allowed to require attorney signature on pro se filings to stop relief, to which petitioner is entitled, from attack torture, permanent and long term injury, and immediate release from unconstitutional imprisonment for years with compensation, being sought by petitioner thereby violating petitioners state and federal constitutional rights of association, expression, access to courts, due process and equal protection of law, to petition government for redress, to be free from discrimination and as direct result denying justice or the hope of it for petitioner?

Robert Attwood
Robert Butterworth
Hon Larry Schack
Hon Wayne Miller
3DCA Judges
4DCA Judges

Certificate Interested Persons

Hon DC Casanueva
2DCA Judges
FL Supreme Court Judges
Harry Singletary and subordinates

Robert Attwood

Table of Contents

Question presented for review	i
Certificate Interested persons	ii
Table of Contents	iii
Statement of Citations	iv
" of Jurisdiction	iv
" Case	v
Reasons for Granting writ	12
Conclusion	2
Appendix	3

Statement on Citation

Petitioner is denied law Library use access presence all legal copier services materials to stop this and all legal work making inclusion of supporting authority impossible except from memory.

Statement of Jurisdiction

Jurisdiction vests in this court pursuant to Rules of US Supreme Court 10.1 (b) and 10.1(c).

Statement of Case

Petitioner sought relief in state courts from torture, attack, state tort and Constitutional claims resulting in permanent and long term damage and injury as well as seeking relief from imprisonment in violation of state and federal Constitutions for years that requires immediate release. State courts responded by issuing orders dismissing, denying, or indefinately staying all actions/filings/petitions/complaints/writs/appeals/briefs denying petitioner pauper status despite his very real poverty and requiring attorney signature on pro se filings when petitioner is indigent incarcerated, and denied means to even contact attorneys much less being able to hire attorneys, all as means to deny foregoing relief to which petitioner is entitled as matters of fact and law which is unconscionable, keeps petitioner hostage in prison in violation of Constitutions and requires relief sought herein, in a timely manner.

Reasons for Granting Writ

Because petitioner has been in prison in violation of constitution for years, has been tortured, is now disabled in wheelchair and seeks relief to which he is entitled as matters of facts and law in state courts, orders by those same state courts (19 circuit court Martin County, FC; 1DCA, 2DCA, 3DCA, 4DCA, Florida Supreme Court) have issued orders denying petitioner all indigent status in civil matters (including Habeas Corpus, thereby keeping him in prison in violation of constitutions) and requiring attorney signature on pro se filings, pleadings, etc. as means to deny relief and further violate all foregoing constitutional provisions as well as rights of petitioner resulting therefrom.

Petitioners right to seek and obtain relief in court is inalienable. This court has said access to court is the right upon which all other rights are based. Florida 2DCA, 4DCA (with 1DCA threatening same) 19 Circuit court Martin County, FC, and Florida Supreme court have all issued unconstitutional, unconscionable orders that require reversal by this court. (Improper, impermissable orders appealed herein were issued and appealed every possible step between court of original jurisdiction and here with each higher court issuing similarly constitutionally violative order for which reversal is sought herein. Exhaustion of possible remedies has occurred.

In Florida Supreme Court Case 86498 that court alleged petitioner challenged sentence as means to deny relief when in fact all Habeas Relief on these issues challenged ongoing unconstitutional imprisonment, and required the relief sought, after every lower court issued orders barring further proceedings to step renew on the merits. The state of Florida admitted entitlement to relief sought (release from custody) by petitioner by failing to oppose any claim in 95-3611 CA Attwood v Singletary 19 Circuit Court Martin County, FC. Immediately after this admission that court issued indefinite stay of proceedings to stay any final decision.

FL DOC has burned holes in petitioners body, broken fingers to cause him to be unable to write, kept him confined and isolated over 3 years, denies paper pen envelopes copies law books all service materials to stop legal work. (Petitioner has unconstitutional 5 year prison sentence for Driving Under Influence involving no accident)

Conclusion

For foregoing reasons petitioner respectfully submits that this court should accept jurisdiction at this time in the interest of justice.

Certificate of Service

10/31/95 Copy sent to

Butterworth
Capitol
Tallahassee FL
32399

Robert Attwood C49697
MTCI
1150 SW Allapattah Rd
Indiantown FL 34956

Supreme Court of Florida

THURSDAY, OCTOBER 26, 1995

No. 86,499

ROBERT ATTWOOD,

Petitioner,

vs.

HARRY K. SINGLETARY,

Respondent.

ORDER

PER CURIAM.

Robert Attwood petitions this Court for a writ of habeas corpus challenging the sentence he is presently serving at Martin Correctional Institution and gain time lost.[1] We have jurisdiction pursuant to article V, section 3(b)(9) of the Florida Constitution.

Including this petition, Attwood has no less than fourteen petitions pending before this Court. This Court has determined that all of Attwood's other pending petitions are without merit and we have directed our Clerk to issue orders, contemporaneous with the issuance of this decision, denying them. Likewise, we find this petition to be without merit.

Attwood has not only burdened this Court, but also he has inundated other courts of this state, both trial and appellate, with frivolous petitions and appeals. Attwood has filed more than a hundred frivolous petitions and appeals in the appellate courts of this state in the past year. Attwood's proclivity for flooding the courts of this state with frivolous petitions and appeals cannot go unabated. The resources of our court system are finite and must be reserved for the resolution of genuine disputes.

On October 11, 1995, in response to this petition for writ of habeas corpus, this Court ordered Attwood to show cause why he should not be barred from filing any more civil petitions and appeals in this Court unless signed by a member of The Florida Bar. Attwood's response to this Court's order to show cause is, at best, disingenuous. Attwood insists that the myriad of petitions and appeals he has filed throughout the state have merit and that he has therefore not abused the judicial system. Further, Attwood contends that neither this Court nor any other

[1] Attwood is serving a five-year sentence for his fourth conviction for driving under the influence.

court can require that his appeals and petitions be signed by an attorney. Stated otherwise, Attwood suggests he has an unfettered right to proceed pro se. We disagree.

The Fourth District Court of Appeal has already directed its clerk of court to reject all civil petitions and appeals filed by Attwood unless "accompanied by the proper filing fee or submitted and signed by a member of the Florida Bar." Attwood v. State, Nos. 93-3701 & 95-2284, 1995 WL 539000, at *3 (Fla. 4th DCA Sept. 13, 1995). Similarly, the Second District Court of Appeal has already directed its clerk of court to reject all civil petitions and appeals filed by Attwood unless signed by a member of The Florida Bar. Attwood v. Singletary, No. 95-01770, 1995 WL 495436 (Fla. 2d DCA July 27, 1995). These orders are not without precedent. See, e.g., Martin v. Marko, 651 So. 2d 819 (Fla. 4th DCA 1995); Lowery v. Kaplan, 650 So. 2d 114 (Fla. 4th DCA 1995); Birge v. State, 620 So. 2d 234 (Fla. 1st DCA 1993); Jenkins v. Singletary, 580 So. 2d 905 (Fla. 4th DCA 1991); Platel v. Maguire, Voorhis & Wells, P.A., 436 So. 2d 303 (Fla. 5th DCA), review denied, 440 So. 2d 353 (Fla.), and review denied, 441 So. 2d 632 (Fla. 1983), cert. denied, 465 U.S. 1069, 104 S. Ct. 1422, 79 L. Ed. 2d 747, and cert. denied, 465 U.S. 1107, 104 S. Ct. 1612, 80 L. Ed. 2d 141 (1984); Shotkin v. Cohen, 163 So. 2d 330 (Fla. 3d DCA 1964); see also Day v. Day, 114 S. Ct. 4, 126 L. Ed. 2d 1 (1993); In re McDonald, 489 U.S. 180, 109 S. Ct. 993, 103 L. Ed. 2d 158 (1989).

Attwood has filed no less than forty-five cases with this Court in the past year. Moreover, Attwood has deluged our Clerk's office with incomprehensible correspondence. In fact, in the week following the issuance of this Court's order to show cause, our Clerk's office has continued to receive petitions and correspondence from Attwood. We find that Attwood's pro se activities before this Court have substantially interfered with the orderly process of judicial administration, and we therefore exercise our inherent authority to prevent abuse of the judicial system.

This order should not be construed as a diminution of our support for the principle of free access to the courts. To the contrary, this order furthers the right of access because it permits us to devote our finite resources to the consideration of legitimate claims of persons who have not abused the process.

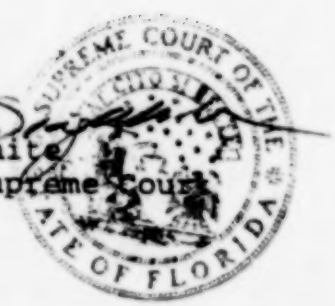
Accordingly, we deny Attwood's petition for writ of habeas corpus and direct the Clerk of this Court to reject for filing any civil petitions and appeals therefrom unless signed by a member of The Florida Bar.

It is so ordered.

GRIMES, C.J., OVERTON, SHAW, KOGAN, HARDING, WELLS and ANSTEAD, JJ., concur

A True Copy

TEST:



Sid J. White
Clerk, Supreme Court

H

cc: Mr. Robert Attwood
Hon. Robert A. Butterworth
Mr. Louis A. Vargas

SUPREME COURT OF THE UNITED STATES

ROBERT ATTWOOD *v.* HARRY K. SINGLETARY, JR., SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS

ON MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

No. 95–6710. Decided January 22, 1996

PER CURIAM.

Pro se petitioner Robert Attwood requests leave to proceed *in forma pauperis* under Rule 39 of this Court. We deny this request pursuant to Rule 39.8. Attwood is allowed until February 12, 1996, within which to pay the docketing fee required by Rule 38 and to submit his petition in compliance with this Court's Rule 33. We also direct the Clerk not to accept any further petitions for certiorari from Attwood in noncriminal matters unless he pays the docketing fee required by Rule 38 and submits his petition in compliance with Rule 33.

Attwood has abused this Court's certiorari process. In November 1995, we twice invoked Rule 39.8 to deny Attwood *in forma pauperis* status. See *Attwood* v. *Smith* and *Attwood* v. *Palm Beach Post*, 516 U. S. ___. At that time, Attwood had filed seven petitions in this Court during the prior year, and he has filed two since. All were patently frivolous and were denied without recorded dissent.

We enter the order barring prospective filings for the reasons discussed in *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992). Attwood's abuse of the writ of certiorari has been in noncriminal cases, and so we limit our sanction accordingly. The order will not prevent Attwood from petitioning to challenge criminal sanctions which might be imposed against him.

The order will, however, allow this Court to devote its limited resources to the claims of petitioners who have not abused our certiorari process.

It is so ordered.

JUSTICE STEVENS, dissenting.

Because experience with the administration of orders like the one the Court is entering in this case today has merely reinforced my conviction that our "limited resources" would be used more effectively by simply denying petitions that are manifestly frivolous, I respectfully dissent. Perhaps one day reflection will persuade my colleagues to return to "the great tradition of open access that characterized the Court's history prior to its unprecedented decisions in *In re McDonald*, 489 U. S. 180 (1989) *(per curiam)*, and *In re Sindram*, 498 U. S. 177 (1991) *(per curiam)*." See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1, 4 (1992) (STEVENS, J., dissenting).